

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RASHID JAHM,

CASE NO. 05-CV-11638-JLT

Plaintiff,

v

DENNIS B. LEIBER, ET AL

Defendants.

Rashid Jahm
In Pro Per
49 Hallenan Ave.
Lawrence, MA 01841
(978) 258-9419

George L. McCargar, III (P45588)
In Pro Per
161 Ottawa Ave. NW Ste 411-S
Grand Rapids, MI 49503
(616) 774-8422

**ANSWER AND AFFIRMATIVE DEFENSES
OF DEFENDANT GEORGE L. McCARGAR**

Defendant George L. McCargar ("Defendant") states his Answer to the Complaint as follows.

1. To the extent allegations and claims are made against Defendant in the unnumbered paragraphs set forth at pages 3 -5 of the Complaint, all such allegations and claims are denied.

2. To the extent allegations and claims are made against Defendant in paragraphs 1 - 4 of the Complaint set forth at pages 5 -7, all such allegations and claims are denied.

3. Defendant denies that this Court has subject matter or personal jurisdiction.

4. To the extent allegations and claims are made against Defendant at paragraphs 1 - 46 set forth at pages 7 - 15 of the Complaint, all such allegations and claims are denied.

5. To the extent allegations and claims are made against Defendant at paragraphs 43 - 56 set forth at pages 15 - 17 of the Complaint, all such allegations and claims are denied.

6. To the extent allegations and claims are made against Defendant at paragraph 57 set forth at page 17 of the Complaint, all such allegations and claims are denied.

7. With regard to paragraph 58 of the Complaint, Defendant admits that he was "fired by plaintiff prior to sep. 15th 2002." Further answering an Order Authorizing Withdrawal of Counsel for Plaintiff Rashid Jahm was entered by the State of Michigan 7th Circuit Court on October 4, 2002. A copy of the Order is attached as Exhibit 1 hereto. Defendant discontinued serving as Plaintiff's attorney, at the latest, either at the time he was "fired" by Plaintiff or as of the date of entry of the Order Authorizing Withdrawal of Counsel. To the extent paragraph 58 of the Complaint makes additional allegations and claims against Defendant, all such allegations and claims are denied.

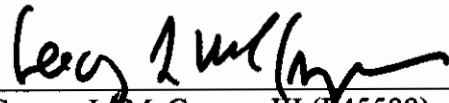
8. To the extent allegations and claims are made against Defendant at paragraphs 59 - 85 set forth at pages 18 - 21 of the Complaint, all such allegations and claims are denied.

9. To the extent allegations and claims are made against Defendant at the unnumbered paragraphs set forth at pages 21-23 of the Complaint, all such allegations and claims are denied.

WHEREFORE, Defendant respectfully requests that this Court dismiss with prejudice Plaintiff's Complaint and that it award Defendant applicable costs and attorneys fees arising from the defense of this action.

Date: _____

1/3/04

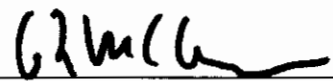

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AFFIRMATIVE DEFENSES

1. This Court lacks subject matter jurisdiction and jurisdiction over Defendant.
2. The Complaint fails to state a claim upon which relief can be granted.
3. Venue is not proper in this Court.
4. Plaintiff's claims are barred by the applicable statute of limitations.
5. Plaintiff's claims are barred by the insufficiency of service of process.
6. Defendant reserves the right to amend these affirmative defenses.

Date: _____

1/3/04


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Grand Rapids, Michigan 49503
(616) 774-8422

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

RASHID A. JAHM,

Plaintiff,

File No.: 00-08794-NI

v.

HON. DENNIS B. LEIBER

CITY OF WALKER, a Michigan Municipal
Corporation and EUGENE E. KARS,

Defendants.

BRANDSDORFER & RUSSELL, LLP
Stephen C. Bransdorfer (P11133)
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**ORDER AUTHORIZING WITHDRAWAL OF COUNSEL
FOR PLAINTIFF RASHID A. JAHM**

Trial by jury in this cause having been completed and Bransdorfer & Russell, LLP, as successor to Bransdorfer & Bransdorfer, P.C., having filed a Motion for Withdrawal as Counsel for Plaintiff Rashid A. Jahm in accordance with Rule of Professional Conduct 1.16(b)(3) and (b)(5) and the Court having heard said counsel and having heard Plaintiff at the hearing on this matter held October 4, 2002 and being fully advised in the premises,

IT IS ORDERED that the Motion to Withdraw as Counsel for Plaintiff, as to Bransdorfer & Russell, LLP and Bransdorfer & Bransdorfer, P.C., be and the same is granted with said counsel to take all necessary actions in accordance with Rule of Professional Conduct 1.16(d).

DENNIS B. LEIBER

Dated: October 4, 2002

Hon. Dennis B. Leiber

Attest: A True Copy

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